IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

THURSDAY, THE 15TH MARCH 2007 / 24TH PHALGUNA 1928

Crl.Rev.Pet.No. 696 of 1999()

CRA.186/1997 of Ist ADDL. SESSIONS COURT, THRISSUR
CC.93/1995 of CHIEF JUDICIAL MAGISTRATE COURT, THRISSUR

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REVN. PETITIONER/APPELLANT/ACCUSED:

RAPHEL, S/O.ARIMBOOR PORINCHU,
AMMADAM DESOM, PARALAM VILLAGE.

BY ADV. SRI.P.VIJAYA BHANU
SRI.S.R.MANOJ

RESPONDENTS/COMPLAINANT:

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT
OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.C.M.KAMMAPPU

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 15/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R.UDAYABHANU, J

CRL.R.P.No.696 of 1999

Dated this the 15th day of March, 2007

ORDER

Revision petitioner stands convicted for the offences punishable under Sections 279, 337, 338 and 304 (A) IPC to undergo varying terms of imprisonment and to pay fine and in default, to undergo simple imprisonment.

2. The prosecution case is that the accused being the driver of the state carriage bus drove the vehicle in a rash and negligent manner along Irinjalakuda-Thrissur public road from south to north and hit on a pedestrian and proceeded further hitting on a compound wall before stopping. It has resulted in the death of one person and injuries to the passengers. The evidence adduced in the matter consisted of the testimony of PW's 1 to 16 and Exts. P1 to P11. It has found from the evidence adduced through PW14, the AMVI and Ext.P9 inspection report of the vehicle had no mechanical defect. The identity of the accused stands established from the evidence of PW3, who was the conductor of the bus as well as from Ext.P1 trip sheet. The

findings are concurrent. I find no reasons to deviate from the findings of the courts below.

3. Counsel for the revision petitioner has pleaded for leniency so far as the sentence is concerned pointing out that the incident has taken place on 23.4.1995 i.e, more than a decade ago. In the circumstances, the sentence is modified to pay a fine of Rs.50,000/- for the offence under Section 304(A) IPC and in default, to undergo simple imprisonment for six months. No separate sentence is awarded for the rest of the offences. The amount of compensation, if realised, shall be paid to the legal representatives of the deceased.

The criminal revision petition is disposed of as above.

K.R.UDAYABHANU,
JUDGE

csl